

Artigo

Outline of a Child Rights-Based Approach in Early Childhood Education & Care Services

Esboço de uma abordagem baseada nos direitos da criança em serviços de educação e cuidados na primeira infância

Intermitencia en el derecho a la educación de los adolescentes que cometen infracciones en Brasil

Silvio Premoli¹

Università Cattolica del Sacro Cuore (UNICATT), Milan, Italy

Abstract

According to the new directions in Child and Family Welfare services (Premoli, 2012), ECEC services in Europe are also increasingly characterized by new emerging orientations, perspectives, and approaches, which recur in different national contexts, driven by the influence of the United Nations Convention on the Rights of the Child (CRC) and of the policies to support integration promoted first by the European Community and then by the European Union. In particular, reference is made to: the affirmation of an educational and pedagogical attention to the child as a whole (the whole child); the emergence of anti-deterministic paradigms such as resilience, the increase of strengths, and the pursuit of beauty; listening to the children's point of view and promoting their participation; the intercultural approach; the growing attention to evaluation in order to improve quality and effectiveness; finding solutions to the contrast between the rights of the child and the rights of adults (parents or educators); the involvement of families; the openness towards local communities and territories; the consultation with the other services (wrap-around services) and the composition of professional and disciplinary views; the development of strategies that favour continuity between the various school levels. In Herczog's perspective (2012a), the adoption of an approach based on child rights is a strategy which, among other things, allows for an immediate return on investments in the field of ECEC. It therefore seems necessary to define the Child Rights-Based Approach as an essential professional skill for professionals working in ECEC services.

Resumo

De acordo com as novas direções nos serviços de bem-estar da criança e da família (Premoli, 2012), os serviços de ECEC na Europa também são cada vez mais caracterizados por novas orientações, perspectivas e abordagens emergentes, que se repetem em diferentes contextos nacionais, impulsionados pela influência da Convenção das Nações Unidas sobre os Direitos da Criança (CDC) e das políticas de apoio à integração promovidas primeiro pela Comunidade Europeia e depois pela União Europeia. Em particular, é feita referência a: a afirmação de uma atenção educacional

¹Full Professor in Social and Intercultural Pedagogy, Università Cattolica del Sacro Cuore, Milan. Children's Rights Ombudsman, Milan. Orcid: <https://orcid.org/0000-0002-5985-0785>. E-mail: silvio.premoli@unicatt.it.

e pedagógica à criança como um todo (a criança inteira); o surgimento de paradigmas anti-deterministas, como a resiliência, o aumento dos pontos fortes e a busca da beleza; a escuta do ponto de vista das crianças e a promoção de sua participação; a abordagem intercultural; a crescente atenção à avaliação para melhorar a qualidade e a eficácia; a busca de soluções para o contraste entre os direitos da criança e os direitos dos adultos (pais ou educadores); o envolvimento das famílias; a abertura para as comunidades e os territórios locais; a consulta a outros serviços (serviços complementares) e a composição de pontos de vista profissionais e disciplinares; o desenvolvimento de estratégias que favoreçam a continuidade entre os vários níveis escolares. Na perspectiva de Herczog (2012a), a adoção de uma abordagem baseada nos direitos da criança é uma estratégia que, entre outras coisas, permite um retorno imediato dos investimentos no campo do ECEC. Portanto, parece necessário definir a Abordagem Baseada nos Direitos da Criança como uma habilidade profissional essencial para os profissionais que trabalham nos serviços de ECEC.

Resumen

De acuerdo con las nuevas orientaciones en los servicios de Bienestar Infantil y Familiar (Premoli, 2012), los servicios de ECEC en Europa también se caracterizan cada vez más por nuevas orientaciones, perspectivas y enfoques emergentes, que se repiten en diferentes contextos nacionales, impulsados por la influencia de la Convención de las Naciones Unidas sobre los Derechos del Niño (CDN) y de las políticas de apoyo a la integración promovidas primero por la Comunidad Europea y después por la Unión Europea. En particular, se hace referencia a: la afirmación de una atención educativa y pedagógica al niño en su totalidad (el niño en su totalidad); la aparición de paradigmas antideterministas como la resiliencia, el aumento de los puntos fuertes y la búsqueda de la belleza; la escucha del punto de vista de los niños y la promoción de su participación; el enfoque intercultural; la creciente atención a la evaluación para mejorar la calidad y la eficacia; la búsqueda de soluciones al contraste entre los derechos del niño y los derechos de los adultos (padres o educadores); la implicación de las familias; la apertura hacia las comunidades locales y los territorios; la concertación con los demás servicios (wrap-around services) y la composición de los puntos de vista profesionales y disciplinares; el desarrollo de estrategias que favorezcan la continuidad entre los distintos niveles escolares. En la perspectiva de Herczog (2012a), la adopción de un enfoque basado en los derechos del niño es una estrategia que, entre otras cosas, permite un retorno inmediato de las inversiones en el ámbito de la ECEC. Por lo tanto, parece necesario definir el enfoque basado en los derechos del niño como una competencia profesional esencial para los profesionales que trabajan en los servicios de ECEC.

Keywords: Child Rights-Based Approach in ECEC, Professional skills of ECEC educators, Child Rights, Children Agency, Participation

Palavras-chave: Abordagem baseada nos direitos da criança no pré-escola, Competências profissionais dos educadores de pré-escola, Direitos da criança, Agência da criança, Participação

Palabras clave: Enfoque de la AEPI basado en los derechos del niño, competencias profesionales de los educadores de AEPI, derechos del niño, agencia del niño, participación

1. A children-sized citizenship

A democratic citizenship based on the primacy of the individual as a bearer of rights (Marshall, 1976) is the fundamental framework within which to



explore the issue of child rights. In this respect, we find Priebe's analysis quite stimulating (2008, p.35):

[...] democracy and day nursery are two terms that are not immediately associated with each other. But where and when does democracy start? In pre-school? In day care? In school? Or only when people are old enough to vote? [...] The basis for a democratic everyday culture can indeed already be formed in the day nursery.

Unfortunately, «experiences of democratic practices in formal childhood education are scarce, perhaps due to the scarce consideration of children as subjects of citizenship rights» (Gajardo Espinoza; Torrego Egido, 2022, p.139).

On the other hand, the idea that, since the earliest educational experiences, the foundations of a democratic culture can be laid in everyday life clearly reflects the idea that the nursery school is a democratic practice (Moss, 2007). It also sheds some light on what is asserted in this paragraph, and puts these reflections within the framework of an early childhood pedagogy.

Jans (2004) wonders whether it is wise to provide children with a notion of citizenship borrowed from the world of adults, and what the characteristics of the notion of children-sized citizenship might be. From Delanty's (2000) conceptualisation of citizenship, it is clear that a child being a citizen is significantly different from an adult being a citizen. Notably, if citizenship is regarded as a set of rights – and it is still to be determined whether it may be desirable for a child to enjoy the same rights as an adult –, there is no equality in status, as children do not vote, nor do they sit on juries in criminal trials, etc. The enjoyment of all the rights of adults would be at odds with the right to protection and, in some cases, would expose children to situations that they would not be able to understand and deal with (just think of the right to marry, set forth by Article 16 of the Universal Declaration of Human Rights). In this respect, children do not enjoy full citizenship. It is therefore necessary to conceptualise a children-sized citizenship, which is inevitably the result of a continuous interdependent dynamic between adults and children, who negotiate, in the ambivalence of the relationship between children's rights and limits, the meaning and form of the very concept of citizenship in its local practical application (Jans, 2004, p.40).

Citizenship is a particularly serious and vital issue even for young children; as a matter of fact

Citizenship is not merely a formal status. [...] It is a source of human rights and entitles its owners to services, protection and benefits. Citizenship stipulates what obligations a citizen must fulfil and in what manner he or she is to behave. Citizenship is the prerequisite for belonging to a group (from a social and historical perspective) and as such bears a significant impact on identity formation. Therefore, citizenship is crucial for the well-being of human beings in general and for children in particular. Children's civil status (and their citizenship) determines their rights (including their social, political and civil rights). Furthermore, children's possibilities to develop and practise various civil skills, and therefore their activities as citizens, have a major impact on their well-being, as children of today and adult citizens of tomorrow (Ben-Arieh; Boyer, 2005, p.33).

In this perspective, participation is a key point that should be intended not merely as taking part, but rather as being part of a community, i.e. the democratic society, within a framework of rights. This act of belonging requires and expects institutions and adults to be listening, be considering, be respectful, and be trustworthy.

As for children-sized citizenship in early childhood, along the lines of Korczak's (1999) suggestions, the starting point must necessarily be treating every child with respect, regardless of their age (George, 2009).

Furthermore, the importance of inclusion practices and participation emerges, and can be translated into creating situations where children are allowed to express themselves, speak their minds, and be actively involved in activities providing them with the awareness that their actions are transformative (Nutbrown; Clough, 2009).

2. New directions in early childhood education and care services

In line with what was said about Child and Family Welfare (Premoli, 2012) services, new orientations, perspectives, and approaches are also beginning to emerge within early childhood education and care services in Europe. They occur in the various national contexts, and are driven in particular by the influence of the 1989 United Nations Convention on the Rights of the Child (CRC) and the policies supporting integration promoted first by the European Community and then by the European Union.

In the wide and varied universe of 0-6 year-old education and care services in Europe, the following phenomena are gradually emerging:

- an educational and pedagogical focus on the child as a whole – the whole child (cf. Beckley, 2012);
- anti-deterministic paradigms such as resilience (cf. Savio, 2019), the increase of strengths, and the pursuit of beauty (Prandin, 2012);
- listening to the children's point of view and encouraging their participation (Pramling Samuelsson, 2010);
- cultural sensitivity and intercultural approach (Santerini, 2019; Mantovani et al., 2016; Edwards, 2003);
- the increasing focus on making socio-educational interventions the object of research and evaluation, in order to improve their quality and effectiveness (European Commission, 2014);
- finding solutions to the contrast between the rights of the child and the rights of adults, be they parents or educators (Premoli, 2012);
- the involvement of families in the educational sphere of the services, with the aim of increasing their participation and forming an educational alliance (Premoli; Amadini, 2019);
- openness towards the territory; dialogue and cooperation with other services, i.e. wrap-around services;
- the composition of professional and disciplinary views (Formenti, 2012);
- devising strategies that provide continuity between the different levels of education (Mantovani, 2010).

The beating heart of this gradual but radical transformation is the adoption of a perspective and, at times, an approach based on children's rights, particularly those set forth in the CRC, whose articles can also be translated into social policy objectives, as well as pedagogical and socio-educational interventions, or form an ethical code for social workers (Reading et al., 2009). The centrality of the CRC as the focal point of policies and interventions aimed at children and families embodies the choice to start from a global dimension, which is the scenario where everyone moves today, and from people's worth, from each specific individual's worth. The Convention «simultaneously provides a greater and global breadth to children's rights and each child's individuality while respecting their world, which is made of relationships and cultures» (Premoli, 2014, p.254).

Finally, we should highlight the importance of General Comment No.7, prepared by the CRC Monitoring Group (UN Committee on the Rights of the Child, 2006), which mainly aims to define policies favouring the recognition of the rights of children in ECEC (Vaghri, Arkadas, Kruse, Hertzman, 2011). However, we believe that the educators' awareness of this significant resolution can help draw attention to the rights of children in early childhood services.

3. The international Convention on the Rights of the Child

The United Nations Assembly approving the Convention on the Rights of the Child on 20 November 1989 marked a milestone in the transformation process of how children and adolescents are represented worldwide. On the one hand, this is the greatest accomplishment in a long path that started at the beginning of the last century with the contributions of a number of thinkers who were strongly committed to protecting and empowering childhood, such as Ellen Key, Janus Korczak, and Maria Montessori, who have drawn attention to the need to recognise the rights of children (Macinai, 2012). On the other hand, the Convention is the starting point of a new vision of childhood and adolescence, a vision that is able to influence and revolutionize a representation of the intergenerational relationship between adults and children, which up to that moment in time was mainly founded on the idea that children and adolescents were passive and vulnerable, and have needs that adults can fulfil at their discretion (Biemmi, 2007).

The Convention lies on four fundamental pillars, its general principles, which apply to all the rights it contains:

- the principle of non-discrimination (Article 2, UNCRC), which sets forth that all the rights set forth in the CRC are granted to each child without discrimination;
- the principle of best interests (Article 3), which sets forth that, in all actions concerning children, the best interests of the minor shall be a primary consideration;
- the principle of the right to life, survival and development (Article 6);
- the principle of participation and of respect for the views of the child (Article 12), which sets forth that all children and young people have the right to be heard and express their views, which must be given due weight.

As Carlo Alfredo Moro believed, the value of the CRC goes “beyond the legal sphere, while also and simultaneously affecting the social, cultural, political, and educational spheres” (Belotti, 2008, p.15). In this respect, the CRC is not merely a judicial code, but “in its cultural dimension, a pedagogical and educational tool” (Biemmi, 2007, p.10). Therefore, it can provide a solid foundation for a pedagogy of the rights of children and adolescents offering general guidelines, which must be adapted to the historical, social, and cultural characteristics of each personal and family situation (Premoli, 2012).

It seems entirely appropriate to state that the CRC has changed the framework for children’s rights (cf. Balton, 1990; Cantwell, 1992; 2008; Davis; Powell, 2003; Fortin, 1999; Giorgis, 2010; Moro 1991; Verhellen, 2000). Asserting these rights carries considerable formative and educational implications, while also validating them in relation to the social objectives that education can and must promote and pursue. For instance, just think of how the CRC brings the participation of children into focus: it becomes a fundamental pedagogical requirement in educational processes (Masschelein; Quaghebeur, 2005), and requires close attention when developing social participation and active citizenship skills, through empowerment practices that are consistent with the age of the recipients (Roose; Bouverne-De Bie, 2007).

The extensive literature review carried out while researching for a previous publication (Premoli, 2012) allows me to affirm that there is no codified pedagogical paradigm inspired by the CRC principles. Nevertheless, it is perfectly possible to also consider a pedagogical approach where the pedagogical frame of reference is formed by human rights, and the rights of children and adolescents in particular, thus suggesting a possible pedagogy of the rights of children.

4. From a rights-based perspective: the child rights-based approach and a new vision for educators

There is a significant difference between adopting a child rights-based approach and adopting a child rights-based perspective. The rights-based perspective refers to a series of attempts to apply the ideas and logics behind action, which derive from the declarations of rights in a manner that may be consistent, but not necessarily thorough. Conversely, a rights-based approach is when the aim pursued with an action (protection, education, positive management of leisure time) becomes a sub-aim of the most effective enforcement of the rights of the children involved.

The child rights-based approach (Premoli, 2012; 2014; 2016) goes beyond approaches based on needs, and promotes empowerment and participation, while holding institutions ultimately responsible for granting access to better opportunities and living conditions (Ljungman, 2005).

This is an option that requires educators to change the way they observe children, and vulnerable situations in particular. They shall bear in mind the need that they identify as an unenforced or denied right. They shall also regard the children involved not so much as the passive objects of an intervention, but rather as the active subjects of a growth and empowerment process aimed at enabling them to assert their rights. Finally, they shall focus their attention and call for actions not only at the micro-systemic level of education services, but also at increasingly more general levels of the family, local, social, economic, cultural, and political contexts.

Essentially, the suggestion is to rethink the training of educators and pedagogues from a socio-political perspective, shifting the focus of the action back onto communities, politics, and social transformation, driven by a utopian yearning and hope, in order to regain the general sense of identities, lives, and interventions. In this respect, there is an urgent need to support educators and pedagogues in taking their places within the socio-political scenario where they live and work, while developing their own, personal vision of society and their intention to commit to the transformation of social relations (Premoli, 2012).

Interacting with reality from a rights-based perspective becomes imperative. This allows us to design educational paths by each time starting from exploring what the child's best interest is.

Assuming a child rights-based approach does not mean exercising one's educational role in a merely executive manner, in accordance with a written rule. The CRC and the other relevant regulations concerning a pedagogy of the rights of children are the guidelines which professionals apply daily when reading and interpreting the real-life situations that they are faced with and constructing hypothetical case scenarios (Braye; Preston-Shoot, 2006). Children's rights should be regarded as a "springboard for dialogue", and a frame of reference for negotiation. People's lives and their bonds are complex and varied, and legislations cannot be expected to reduce ambiguity and the need to question and examine histories, contexts, and circumstances, while offering identical and prearranged solutions.

5. Early childhood education and care and child rights-based approach

It is essential to define not just children's rights, but also how children's and parents' rights are enforced, and the role that the State plays in this process (Roose and Bouverne-De Bie, 2007). This is all the more urgent in Early Childhood Education and Care, since regarding a child at a very young age as an active subject entitled to rights and consequently acting from this perspective is not obvious, and can definitely be complicated. It actually requires professionals to invest in training and adopt a perspective that enables them to view the child in a radically different manner.

In my opinion, two major issues arise concerning children's rights within the range of early childhood education services: adopting a child rights-based approach (Herczog, 2012a; 2012b), and designing a children's rights-based curriculum (Nutbrown, 2018).

Herczog (2012b, p.553) explains that a number of investments in early childhood education (promoting quality parental care and education services, in particular) were driven by a long-term strategy, with positive effects experienced over a period of 15-20 years;

Conversely, a rights-based approach consists in a set of values and standards and a comprehensive and inclusive manner that applies to all children and their best interest, and the development of their capacities. It emphasises well-being and not only well-becoming. It is essential to ensure that 'no child is left behind', 'every child matters', and that the principles of the CRC are taken into consideration by ensuring the best interest, non-discrimination, protection from all forms of violence, and participation.

It is, therefore, crucial to favour an approach based on the rights of children in early childhood acknowledging “the special needs of young children”, with a focus on their wellbeing “here and now” and on the fact that these rights (e.g. the right to life, to development) cannot be separated from the relational and environmental settings in which they live (Herczog, 2012a, p.17).

In this perspective, adopting a child rights-based approach needs to be regarded as an essential professional skill to be developed from basic training onwards (Herczog, 2012b).

On the other hand, we think that the issue of a children’s rights-based curriculum was properly addressed by Nutbrown (2018) not so much in terms of formalised teaching of education about rights, but rather of educators adopting an Action Research approach aimed at encouraging children’s participation, promoting their empowerment along with their parents’ empowerment, listening to their experiences and points of view (Clark, Moss, 2001), and engaging them in activities where they can bring about changes and real-life transformations through their ability to take action.

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